



MINUTES OF THE SPECIAL JOINT MEETING OF
THE CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD

City Council Chambers

777 B Street, Hayward, CA 94541

Tuesday, September 5, 2000, 8:00 p.m.

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Ahegiance led by Council Member Jimenez .

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Wilson,
Rodriquez, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: None

PROCLAMATION: Literacy Awareness Month

Mayor Cooper announced a proclamation declaring September as Literacy Awareness Month in Hayward and reminded all Hayward residents of the vast potential of education and literacy. Former librarian and Literacy Council Member Nancy Eager thanked Council for the proclamation and their support. She accepted the proclamation on behalf of the Literacy Council.

PRESENTATION: Business Recognition Award

The Business Recognition Award for the month of September was presented to Sepragen Corporation. Sepragen is one of many businesses in the City that brings positive attention to Hayward, because of its nationally recognized commitment to excellence and cutting edge technology. Research and Development Magazine gave Sepragen a new product award for developing "Superflo" Liquid Chromatography column. Sepragen produces therapeutic compounds, including antibiotics, steroids and vaccines. The company employs approximately 20 people conducting research and development, and sales and marketing activities. Sepragen's Director of Food Technology and Technical Services Salah Ahmed accepted the award.

PUBLIC COMMENTS

Bea Thornton, 816 Pinedale Court, discussed the productivity of Hayward. She charged the Mayor with not honoring the vote of the people on Measure L when she co-sponsored a hearing with Supervisor Steel.

Jason Moreno, 25200 Carlos Bee Boulevard, discussed his trip to Jamaica and meeting a former Cal State student and development in Hayward.

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Frank Bowron, 3 1669 Chicoine Avenue, discussed animal control in the City. He commented that the City limits the number of dogs at a residence but not cats. There is no law against the number of cats. He asked for restrictions and license fees, similar to those for dogs.

D.J. Evans, 361 Bristol Boulevard, San Leandro, discussed EBMUD's residential landscaping program. She suggested evergreens rather than deciduous trees for the downtown area, adding that it would be nice if BART would have landscaping. She said also that public transportation is a problem.

Rena Rickles, 1970 Broadway, Suite 120, Oakland, representing Jack Van Voast, K9-K9, and Furry Friends, asked for reconsideration by Council of their decision to revoke K9's use permit. She indicated that a less onerous solution did exist. She suggested that other information was not considered. There is a new solution if the employees take over the site. It is a very needed service. She noted that 34 animals will be destroyed immediately if no reconsideration is given. In her opinion the staff report jeopardized the operation. She implored members to reconsider and asked for more time to make it a model operation.

Mayor Cooper asked City Attorney O'Toole for further guidance.

He indicated that reconsideration can be made if one of the majority who voted for revocation asks for it.

No members spoke for reconsideration.

CONSENT

Items 10, 11 and 12 were removed for further discussion.

1. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of July 25, 2000

It was moved by Council/RA Member Henson, seconded by Council/RA Member Hilson, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of July 25, 2000

2. Arterial Pavement Rehabilitation Phase I, Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated September 5, 2000, was filed.

It was moved by Council Member Henson, seconded by Council Member Wilson, and unanimously carried to adopt the following:



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Resolution 00-120, "Resolution Rejecting all Bids for the Arterial Pavement Rehabilitation - Phase I, Project No. 5198, and Call for Re-Advertisement and Bids"

3. Emergency Water Supply Well Pump Station at 2825 1 Industrial Boulevard Old Well No. 9
Site: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated September 5, 2000, was filed.

It was moved by Council Member Benson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 00-121, "Resolution Rejecting all Bids for the Emergency Water Supply Well Pump Station at Old Well No. 9 Site, Project No. 7110, and Call for We-Advertisement and Bids"

4. Traffic Signal Installation on Hayward Boulevard at Civic Avenue: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated September 5, 2000, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 00-122, "Resolution Approving Plans and Specifications for the Hayward Boulevard at Civic Avenue Traffic Signal Installation Project, Project No. 5745, and Call for Bids"

5. Police Station Entrance and Communications Center Modifications: Authorization to Execute an Agreement for Professional Services

Staff report submitted by Deputy Director of Public Works Bauman, dated September 5, 2000, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 00-123, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with MWM, Architects for the Police Station Entrance Project, Project No. 6933, and the Police Station Communications Center Project, Project No. 6934"

6. Clawiter Road/Breakwater Court Traffic Signal: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director off Public Works Bauman, dated September 5, 2000, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 00- 124, "Resolution Approving Plans and Specifications for the Clawiter Road/Breakwater Court Traffic Signal Project, Project No. 5707, and Call for Bids"

7. Water Pollution Control Facility Master Plan: Appropriation of Funds, and Authorization for Execution of a Professional Design Services Agreement

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated September 5, 2000, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 00-125, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Brown and Caldwell for Professional Design Services for the City of Hayward's Water Pollution Control Facility"

Resolution 00-126 "Resolution Amending Resolution 00-089, as Amended, the Budget Resolution for Capital Projects for Fiscal Year 2000-2001, Relating to an Appropriation of Funds for the Water Pollution Control Facility Master Plan"

8. Fiscal Year 2000-01 Police Department Grant Matching Funds

Staff report submitted by Administrative Analyst II Blohm, dated September 5, 2000, was filed.

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It was moved by Council Member Henson, seconded by Council Member Wilson, and unanimously carried to adopt the following:

Resolution 00-127, "Resolution Concerning Funds Received Pursuant to the Hayward Police Department's Grant Application Through the Community Crime Resistance Program Administered by the Office of Criminal Justice Planning "

Resolution 00-128 "Resolution Concerning Funds Received Pursuant to the Hayward Police Department's Grant Application Through the Violence Against Women Program Administered by the Office of Criminal Justice Planning"

Resolution 00-129 "Resolution Concerning Funds Received Pursuant to the Hayward Police Department's Grant Application Through the 1999 Local Law Enforcement Block Grant Program Administered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance"

9. Final Tract Map 6373 – West Coast Home Builders, Inc. (Subdividers/Owners) – Approve the Final Map and Authorize the City Manager to Execute a Subdivision Agreement and Accept, Upon Completion of Improvements, Certain Streets into the City Street System

Council Member Henson abstained since he lives within 2500 feet of the project.

Staff report submitted by Development Review Services Engineer Garcia, dated September 5, 2000, was filed.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and unanimously carried, with Council Member Henson abstaining, to adopt the following:

Resolution 00-130 "Resolution Approving Final Tract Map 6373 - West Coast Home Builders, Inc. (Subdividers/Owners), Authorizing the City Manager to Execute a Subdivision Agreement, and Accepting a Portion off Garin Avenue into the City Street System"

10. Request from Hayward Area Shoreline Planning Agency for Contributions to its 30th Anniversary Celebration

Staff report submitted by Senior Planner Calame, dated September 5, 2000, was filed.

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 00-13 1, "Resolution Amending Resolution 00-087, As Amended, the Budget Resolution for Fiscal Year 2000-01, Relating to an Appropriation of Funds from the General Fund, Fund BOO for the Hayward Area Shoreline Planning Agency for its 30th Anniversary Celebration"

Janice Delfino, 18673 Reamer Road, Castro Valley, expressed gratitude for previous Council support. She discussed the vision of those who were originally involved 30 years ago. The anniversary celebration will be held in March of next year. She thanked the Council Members again for all of their support

11. Request from Council Member Hilson for Disbursement from Special Travel Fund for City-Related Travel

Report submitted by Council Member Hilson, dated September 5, 2000, was filed.

Jason Moreno, 25200 Carlos Bee Boulevard, asked Mr. Hilson about the costs for the request and how they benefit Hayward.

Council Member Hilson responded that the conference benefitted the City in a number of ways. He has had the opportunity to learn more about available grants and technology as well as protecting the authority of the City in the areas of rights-of-way and utilities.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to approve the disbursement for Council Member Hilson from Special Travel Fund for City-related travel.

HEARINGS

12. Final Tract Map 4609 - DeNova Homes (Subdivider) - Approve the Final Map and Authorize the City Manager to Execute a Subdivision Agreement and Accept Improvements Upon Completion

Staff report submitted by Deputy Director of Public Works Bauman, for September 5, 2000, was filed.



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Council Member Henson excused himself from participation in discussion and voting since the tract is within 2500 feet of his principal residence.

Deputy Director of Public Works Bauman made the staff presentation. He indicated the initial approval was gained in 1984 but the water system needed to be installed. He explained the differences in the original lot layout and the amended. The average lot size is 20,000 square feet. The street realignment allowed more variety of lot widths and closer alignment to the topography. It is consistent with Hillside Guidelines. He noted that the site plan review will be brought to the Planning Commission at a later date.

Council Member Hilson asked about the number of houses. He was told the number is the same. He then asked about grading. Deputy Director of Public Works Bauman said all of the fill from grading will remain on site, There will be rock brought in for the road base. We then described to Members how the houses would be situated. The houses on Woodthrush Court will be closer to the street.

Council Member Hilson asked about the slide areas and what is being required.

Deputy Director of Public Works Bauman indicated that a number of the keyways are designed to repair the slide area. Almost all of the site needs to be engineered fill. He added that there will be underground drains to insure safe runoff. These precautions are adequate to mitigate the instability problems. He noted that the underground drainage is adequate for use in a 15-year storm.

Council Member Hilson asked about years of heavy rainfall.

Deputy Director of Public Works Bauman indicated that this development has more drains than any other hillside development.

Council Member Ward asked specifically about the descriptions regarding the number of students and the impact on schools. He said he thought the number of students seemed low and asked whether the City could somehow update Council as to the accuracy of the numbers.

Council Member Jimenez asked about the engineered fill and compaction requirement.

Deputy Director of Public Works Bauman stated the landfill requires 90 percent compaction; roads require 95 percent.

Council Member Dowling asked about the time limit on the map. He was told the tentative map was approved in 1981 and the final map in 1984. The final map has no time limit.

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Council Member Rodriguez discussed the schools adding that she was dissatisfied about the numbers. She added her wish to Council Member Ward's for a report after the houses are inhabited to look at the actual numbers of occupants and the numbers of students generated through this project.

Council Member Ward asked for further information on the cost and payment for the water storage tank. Deputy Director of Public Works Bauman explained the payment policies and indicated that the builder will reimburse the City. This builder was assessed for 30 lots. The Lincoln property has more lots and has been re-assessed accordingly.

City Manager Armas said this property, when under a different ownership, already paid its share.

Mayor Cooper opened the public hearing at 9:05 p.m.

William Jenson, 739 Briergate Way, directly below the project, discussed the spill basin and asked for specific information regarding the drainoff.

Deputy Director of Public Works Bauman said he was familiar with his property. He described the three basic drainage basins for the project and noted that larger collection basins have been included. There will also be larger retention in the area. Determination has been made that there will not be an increase in the drainage. Roof downgutters are being directed to the lawn areas for further water conservation.

Mayor Cooper asked whether the mitigation will be a problem. She was told it would not be. Also, if this is in substantial conformance with the map passed in the 80's. She was told it was.

D. J. Evans, 361 Bristol Boulevard, San Leandro, noted that the planned area would be a good example of use of the EBMUD conservation programs.

Mayor Cooper closed the public hearing at 9:13 p.m.

Council Member Hilson asked whether this is in substantial conformance with the original proposal. Council Member Ward said he remembered the original plan and this one is better.

Council Member Ward also asked whether the City can look at this subdivision for reuse of water. He added that it is important for the City to look at this. Council has approved close to 2,000 residences in recent times so it becomes vital to consider natural resources.

Mayor Cooper then asked staff to also keep an eye on Mr. Jenson's property.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried, with Council Member Henson abstaining, to approve the following:



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Resolution 00-132, "Resolution Approving and Certifying as Complete the Mitigated Negative Declaration and Amended Final Map for Tract 4609, DeNova Homes, and Authorizing the City Manager to Execute a Subdivision Agreement"

LEGISLATIVE BUSINESS

13. Amendment of Formation Procedures for the Hayward Redevelopment Area Committee (HRAC), and Appointment and Election of Additional HRAC Members

Staff report submitted by Redevelopment Director Bartlett, dated September 5, 2000, was filed.

Redevelopment Director Bartlett gave the report. She suggested expanding the membership from 9 to 17, adding that the present membership met and agreed to expand. She suggested that Council appoint an organization representative possibly either Cal State or the Chamber of Commerce since both groups have a vested interest and neither is directly in the expanded Redevelopment Area.

Mayor/Chair Cooper discussed Sheila Junge's letter suggesting a residential member to be added instead.

Council/RA Member Hilson commented that he would like to resolve the tilt on the committee that has turned toward businesses and tenants and away from homeowners.

Council/RA Member Henson asked why the number was 17 and not 19.

Redevelopment Director Bartlett said there really is no limitation on the committee numbers except what would be practical.

Council/RA Member Ward asked what the history of appointments has been.

Redevelopment Director Bartlett explained that there is presently a member from the Chamber and also one from Cal State.

The Council/Agency can only select these two community members; all others are elected.

Mayor/Chair Cooper opened and closed the public hearing at 9:24 p.m. , with no members of the public asking to speak.

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Council/RA Member Ward moved the recommendation but suggested postponing the decision to appoint a community organization.

Council/RA Member Hilson commented that he thought the number of owner/occupants should be increased and the business numbers go down.

Council/RA Member Ward noted that there has been fairly good success with businesses in the previous area. Many of the owners are long-time. We thought Council should determine a reflection of the concern.

Council/RA Member Hilson made a substitute motion to change the numbers in the membership to increase the residential owner-occupant to two and decrease commercial property owners to one. Council/RA Member Rodriquez seconded the motion.

City Manager/Executive Director Armas indicated not as many homeowners ran in the previous elections.

Council/RA Member Henson asked what categories would come under community organizations.

Council/RA Member Ward asked about the percent of land that is commercial versus percent for residential.

City Manager/Executive Director Armas said the area is predominantly commercial.

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Rodriquez, and carried by the following roll call vote to change the number of members in the business and residential areas:

Resolution 00-133, "Resolution Approving and Adopting Amended Procedures for the Formation of a Project Area Committee for the Downtown Hayward Redevelopment Project and the Proposed Addition to such Project, to be Known as the Hayward Redevelopment Area Committee"

RA Resolution 00-15, "Resolution Authorizing the City Clerk to Conduct an Election to Expand the Membership of the Hayward Redevelopment Area Committee (HRAC) for the Expanded Downtown Hayward Redevelopment Project"



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AYES: Council/RA Members Jimenez, Hilson, Rodriquez,
Henson
MAYOR/Chair Cooper
NOES: Council/RA Member Ward, Dowling
ABSENT: None
ABSTAINED: None
ABSTAINED: None

14. Harder Road Grade Separation Project: Approval off Addenda Nos. 1 and 2, Execution of Revised Agreement for Resident Engineer Services, Award of Contract, and Appropriation of Funds (**continued from 7/25/00**)

Staff report submitted by Deputy Director of Public Works
Bauman, for September 5, 2000, was filed.

Director of Public Works Butler indicated that the designer made a few mistakes in their estimates. He explained the differences in the estimate and the bids. He indicated that they looked at ways to reduce the overall cost of the project. Staff consulted with Union Pacific Railroad about the possibility of not constructing the second bridge. They were negotiating with the Capitol Corridor Joint Powers Agency to lay a second railroad track through this region. After staff contacted the director of the CCJPA, they indicated that they were interested in keeping the second bridge. They have committed to provide \$600,000 to ensure the project is constructed. He then outlined funding from the State and County, which would help offset the increased costs. He recommended approving use of this money for this project.

Council Member Ward expressed concern that the scheduled opening of the detour will be during the holiday season,

Director of Public Works Butler said there is no way to avoid the holiday season. The challenge for the City will be to do a great informational effort to notify people that this is coming.

City Manager Armas commented on the process and then congratulated Director of Public Works Butler and his staff for pursuing the \$600,000 from the Joint Powers Agency.

Council Member Henson added further comments on the high bids. He asked whether the City is experiencing a lot of itemized inflated costs, because of the marketplace.

Director of Public Works Butler said not necessarily. In projects where there is a lot of activity, lot of building going on, there may be some. However, it depends on the type of activity.

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Council Member Jimenez thanked Director of Public Works Butler for the informative report. He added that the project is necessary for Hayward.

Council Member Dowling also thanked staff. He asked whether the original \$5 million from State might not be increased.

Director of Public Works Butler said the State law states there is a maximum of \$5 million.

Council Member Ward asked whether Council should take a closer look at the CIP budget since the City has turned down several high bids recently.

Director of Public Works Butler said the reason for rejecting bids may be due to the marketplace, but he thinks better bids will come in the winter. He said the re-bidding should gain a better price.

Mayor Cooper opened and closed the public hearing at 9:52 p.m. , with no input from the public.

It was moved by Council Member Jimenez, seconded by Council Member Hilson, and unanimously carried by all present, to approve the following:

Resolution 00-134, "Resolution Approving Addenda Nos. 1 and 2, and Awarding Contract to DeSilva Gates-Harris Joint Venture for the Harder Road Grade Separation Project, Project No. 5 195"

Resolution 00- 135, "Resolution Authorizing the City Manager to Execute an Agreement with URS, Inc. for the Resident Structural Engineer Services for Harder Road Grade Separation Project, Project No. 5195"

Resolution 00- 136, "Resolution Amending Resolution No. 00-089, the Budget Resolution for Capital Projects for Budget Year 2000-2001, Relating to an Appropriation of Funds ffor the Harder Road Grade Separation Project, Project No. 5195"

15. Request for Appropriation of Funds for the National League of Cities Public Safety and Crime Prevention Steering Committee Meeting September 14-16, 2000

Report submitted by Council Member Henson, dated September 5, 2000, was filed.



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Council Member Henson explained the benefits to the City for holding the Committee meeting in Hayward. He then described the schedule for the upcoming meeting. The funds are necessary to pay for transporting members to and from the hotel to the City Hall, around the Bay Area and to a reception at CalState, Hayward, and to cover the costs of a dinner at City Hall. He is finalizing arrangements. Hayward will be able to look at concerns for the Bay Area. He noted a number of pertinent issues will be presented. He added that he is working with Hayward businesses to help off-set costs.

Mayor Cooper opened the public hearing at 9:58 p.m.

Jason Moreno, 25200 Carlos Bee Boulevard, asked for further information about the funding requested; what kind of transportation will be provided etc.

Council Member Henson responded that transportation by bus would be provided for more than 40 people to and from the Executive Inn Hotel to various places around the Bay.

Mayor Cooper closed the public hearing at 10:02 p.m.

It was moved by Council Member Jimenez seconded by Council Member Ward, and unanimously carried by all present, to approve the following:

Resolution 00- 137, "Resolution Amending Resolution 00-087, as Amended, the Budget Resolution for Fiscal Year 2000-01, Relating to an Appropriation of Funds from the General Fund Undesignated Fund Balance, to Fund 100 1101 7250 for the National League of Cities Public Safety and Crime Prevention Steering Committee Meeting"

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Council Member Rodriquez adjourned the meeting at 10:03 p.m. , in memory of former Hayward resident and community activist, 43-year-old Diana Bruzzone. Council Member Hilson, who was her neighbor for years, added that she worked tirelessly to improve safety for her neighborhood.

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APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Connie Macias, Deputy City Clerk, City of Hayward
Acting Secretary, Redevelopment Agency